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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Via Fax 571-273-8300
Resent March 4, 2006 (No Fax back)

In re Application of: O'Lenick

Examiner: Meller, Michael V.

Group Art Unit: 1655

Serial No: 10/620,899

Filed: 07/17/2003

Title: Guerbet Cranberry Esters as a Delivery System for Natural Antioxidants

Honorable Commissioner
Patents and Trademarks
P.O. Box 1450
Alexandria Va.

Sir:

Please enter the following amendment in response to the restriction requirement dated 11/28/2005.

AMENDMENT UNDER 37 CFR 1.111

Election of Species


Claims 1-15 are pending. The present office action requests an election of claims from group 1 (claims 1-9) or group 2 (claims 10-19). The claims of group one are drawn to a compound and the claims of group 2 to a process for use. Applicant elects group 1 with the understanding that if the compound claims are found allowable, the non-elected group will be re-joined and the entire patent allowed.

Applicant states that the esters are not all separate individually patentably distinct materials but a series of homologues that make up one invention. The restriction as to species is therefore improper. Restriction as to group is being made with the clear understanding that if the compound claims are found allowable, the non-elected group will be re-joined and the entire patent allowed.

If a very specific compound is required for search applicant selects the compound covered by claim 4 wherein a is 9 and b is 7. This should not be construed as an election of merely this compound. This selection is made merely to facilitate search.

Applicant awaits an examination on merits.

Respectfully submitted;



Anthony J. O'Lenick, Jr.
Applicant
February 23, 2006
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